

lawful job related reasons. Employer may rebut this finding by submitting a copy of letter sent the applicant along with copy of signed return receipt and further documenting specific job related reasons for rejection of the applicant. This is not to be considered a request for the employer to contact the applicant at this time. Documentation must be submitted which will clearly show that the applicant was not qualified, able, willing or available at the time of initial consideration and referral". (AF-76)

On September 13, 2001, Employer forwarded its rebuttal through counsel contending that good faith efforts were made to contact Mr. Hwang. As evidence the letter of rebuttal from Employer's President was attached as well as a copy of a letter of March 1, 2000 to applicant Hwang. The rebuttal stated: "Steven Hwang: We call many times at his residence phone number of [] between February and March and left messages in his answering machine. We also left messages with Mr. Hwang's daughter, Miss Kasey Hwang, asking her dad to call us back. In addition, we also mailed him a letter on March 1, 2000 asking him to call us for a interview. Unfortunately, all this efforts to reach him failed. The applicant has not contacted us. Therefore, we assume he has abandoned the application." (AF-76-78,65,64)

On October 2, 2001 the CO issued a Final Determination denying certification, stating that the employer did not prTeai, emati a re applsHwang. thstal stated:Althl tht the emptiedngated reasonview didtted sta le2000 to applivianying ce isalso/rned return reviewhave 3St dielifitaonc

